

HOUSE No. 2132

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr. and others to promote the use of seatbelts and safety in the transportation of students. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Timothy J. Toomey, Jr.	Stephen R. Canessa
David Paul Linsky	Gloria Fox
Patricia A. Walrath	Frank I. Smizik
Ruth B. Balser	Carl M. Sciortino, Jr.
Bruce E. Tarr	Christopher J. Donelan
Richard T. Moore	Joseph R. Driscoll
James B. Leary	Thomas J. O'Brien
Cynthia Stone Creem	

In the Year Two Thousand and Five.

AN ACT TO PROMOTE SAFETY IN THE TRANSPORTATION OF STUDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7B of chapter 90 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 adding after the word “seated” in line 16, the following:— and, as
4 of July 1, 2008, a three-point lap and shoulder restraint system
5 with retracting belts which is properly adjusted and fastened
6 according to the manufacturer’s instructions shall be worn by
7 every child riding as a passenger in said bus, and prior to said date
8 if such bus is equipped with a restraint system, no child shall ride
9 as a passenger in such bus unless such child is wearing such
10 restraint system which is properly adjusted and fastened according
11 to the manufacturer’s instructions.

1 SECTION 2. Said section 7B of said chapter 90, as so
2 appearing, is hereby further amended by adding after the word
3 “practices” in line 113, the following:— which shall include
4 instruction in the use of the three point lap and shoulder restraint
5 system.

1 SECTION 3. Said section 7B of said chapter 90, as so
2 appearing, is hereby further amended by adding after the word
3 “year” in line 130, the following:— ; (19) Every school bus may,
4 prior to July 1, 2008, and shall, as of July 1, 2008, be equipped
5 with a three point lap and shoulder restraint system with retracting
6 belts for each permanent seating accommodation approved by the
7 National Highway Transportation Safety Administration and
8 installed in compliance with United States motor vehicle D.O.T.
9 safety standards, which shall be fastened about each passenger at
10 all times during vehicle operation.

1 SECTION 4. Section 7L of said chapter 90, as so appearing, is
2 hereby amended by adding after the word “seated” in line 5, the
3 following: — and, as of July 1, 2008, a three point shoulder and
4 lap restraint system with retracting belts which is properly
5 adjusted and fastened according to the manufacturer’s instructions
6 shall be worn by every child riding as a passenger in said bus, and
7 prior to said date if such bus is equipped with a safety restraint
8 system, no child shall ride as a passenger in such bus unless such
9 child is wearing a three point lap and shoulder restraint system
10 which is properly adjusted and fastened according to the manufac-
11 turer’s instructions.

1 SECTION 5. Section 7AA of said chapter 90, as so appearing,
2 is hereby amended by adding, in line 11 after the word “bus” the
3 words: —, prior to July 1, 2008, unless such school bus is
4 equipped with a three point shoulder and lap restraint system.

1 SECTION 6. Section 4 of chapter 175E, of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 adding the following section at the end thereof:

4 (f) For motor vehicle insurance rates for school buses, the com-
5 missioner shall develop and promulgate a schedule of appropriate

6 reductions in premium charges to account for the decreased risk of
7 injury associated with the installation of a three point lap and
8 shoulder restraint system approved by the National Highway
9 Transportation Safety Administration in any such bus so
10 equipped. The schedule shall be promulgated prior to July 1,
11 2008, provided that an owner of any school bus so equipped prior
12 to the promulgation of said schedule may apply to the commis-
13 sioner and receive an appropriate reduction in the premium
14 charge.

1 SECTION 7. No claim for damages shall arise from the failure
2 of a school bus operator to ensure that a passenger of a school bus
3 was wearing the restraint system prescribed by Sections 7B, 7L
4 and 7AA of Chapter 90 of the General Laws.